



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,163	04/18/2001	William Simpson-Young	169.2020	7407
5514	7590	01/05/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/836,163	Applicant(s) SIMPSON-YOUNG ET AL.	
	Examiner Wen-Tai Lin	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 and 37-40 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 1-11, 13-15, 17 and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbs[U.S. Pat. No. 6963784].
4. As to claim 1, Gibbs teaches the invention as claimed including: a method of automatically establishing a desired communication between an originating device and a target device, said originating device and said target device each having an associated profile [e.g., col.1, lines 53-67; col.9, lines 33-48; col.10, lines 7-28], said method comprising steps of:
 - (i) determining a profile compatibility between said originating device and said target device [e.g., determining the types of AV device];
 - (ii) establishing said desired communication, if said profile compatibility between said originating device and said target device is not found, between said originating device and said target device by incorporating at least one additional device [e.g., a gateway], said at least one

additional device having an associated profile, said incorporation forming linked pairs of devices among said originating device, said target device and said at least one additional device, whereby said incorporation establishes a profile compatibility between each said linked pair of said devices [e.g., col.8, line 56 – col.9, line 20; i.e., if the target device is a legacy base node, it would require a FAV node acting as a gateway]; and

(iii) establishing said desired communication, if a profile compatibility between said originating device and said target device is found, said establishing being directly between said originating device and said target device [e.g., Figs.2-5; col.11, lines 4-46],

wherein said incorporation establishes a profile compatibility between each said linked pair of said devices; and each of the steps (i), (ii), and (iii) is performed by at least one of the originating device, the target device, and the at least one additional device [note that the additional device can be any intermediate device (such as 301 of Fig.3) in the HAVI network having available software (DCM or FCM) for the communicating to the target device].

5. As to claims 2-3, Gibbs further teaches that said incorporation comprises steps of:

(a) communicating, by one of said originating device and said target device [e.g., nodes 303 or 402 of Fig.5 communicating to node 302], to a first additional device [e.g., 301], thereby forming linked device pairs among said originating device, said target device and said at least one additional device;

(b) establishing said desired communication, if profile compatibility is established between each said linked pair of devices;

(c) communicating, by one of said originating device, said target device and said first additional device, if said profile compatibility is not established between each said linked pair of devices, to a second additional device, thereby forming linked device pairs among said originating device, said target device, said first and said second additional devices [e.g., node 401 communicates to node 302 via 501 and 301, wherein the two FAV nodes may each provide certain DCM functionality to the service (see e.g., col.13, lines 38-49 and col.14, line 49 – col.15, line 3; and Figs. 12-13)].

6. As to claim 4, Gibbs further teaches that each said device comprises one of a device or a service [i.e., the FAV nodes are devices but may also be viewed as providing DCM services].

7. As to claims 5-9, since the features of these claims can also be found in claims 1 and 3-4, they are rejected for the same reasons set forth in the rejection of claims 1 and 3-4 above.

8. As to claim 11, Gibbs further teaches that said message comprises at least one of a command and a data value [col.8, lines 63-66; col.9, lines 49-61].

9. As to claims 10, 13-15, 17 and 37-39, since the features of these claims can also be found in claims 1-9 and 11, they are rejected for the same reasons set forth in the rejection of claims 1-9 and 11 above.

10. As to claim 40, Gibbs further teaches requesting means for requesting the at least one additional device for format conversion of data from the target device, wherein said second establishing means established the communication to receive the converted data from the at least one additional device [e.g., col.2, lines 10-15; col.10, lines 30-41].

Claim Rejections - 35 USC § 103

11. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs [U.S. Pat. No. 6963784], as applied to claims 1-11, 13-15, 17 and 37-40 above, further in view of Zintel [U.S. Pat. No. 6779004].

12. As to claims 12 and 16, Gibbs does not specifically teach that said messaging protocol is the Extended Markup Language (XML).

However, in the same field of endeavor Zintel teaches that XML can be used as messaging protocol [Zintel: col.2, line 64 – col.3, line 8].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form Gibbs's messages in XML because it is well known that XML supports structured information with designated tags that can be used for extracting command and its associated parameters that are embedded in Gibbs's message.

13. Applicant's arguments with respect to claims 1-17 and 37-40 on 10/26/05 have been considered but are moot in view of the new ground(s) of rejection.

14. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

January 2, 2006

Wen-Tai Lin
1/2/06